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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,826	10/22/2001	Gerhard Bock	112740-294	8650

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EXAMINER	
ENG, GEORGE	

ART UNIT	PAPER NUMBER
2643	9

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,826	BOCK ET AL.	
	Examiner	Art Unit	
	George Eng	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 5-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 5-8 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 1/29/2004 (paper no. 8).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spalthoff (DE 3827928 A1) in view of Okuaki (JP 11-284986 A).

Regarding claim 5, Spalthoff discloses a video telephone system for performing a surveillance method comprising the steps of using a video mobile part with a camera (4, figure 1)

for surveillance, checking a current recorded image for changes, triggering an alarm and dialing a surveillance center in an event of a predetermined difference in the currently recorded image (abstract). Spalthoff differs from the claimed invention in not specifically teaching the video telephone system connecting a base station to a communication network in a wireless environment for transmitting immediately an alarm triggering image from the mobile part to the base station so that the base station stores the alarm-triggering image at least until being output to the communication network. However, Okuaki teaches a supervisory system for transmitting an alarm-triggering image from a supervisory terminal (i.e., 3a, figure 1) to a base station (7 figure 1) in a wireless environment, wherein the base station is connected to a communication network and the base station includes a memory unit for storing the alarm-triggering image at least until being output to the communication network in order to reduce communication cost (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Spalthoff in connecting the base station to a communication network in a wireless environment for transmitting immediately an alarm triggering image from the mobile part to the base station so that the base station stores the alarm-triggering image at least until being output to the communication network, as per teaching of Okuaki, because it reduces communication cost.

Regarding claims 6-7, Spalthoff discloses the currently recorded image being checked in the video mobile part (abstract). Although Spalthoff does not specifically teach the currently recorded image being checked in the base station, Okuaki teaches a supervisory system for transmitting an alarm-triggering image from a supervisory terminal (i.e., 3a, figure 1) to a base station (7 figure 1) in a wireless environment, wherein the base station includes a memory unit

for storing the alarm-triggering image at least until being output to the communication network in order to reduce communication cost (abstract) so that it recognizes to shift the checking process to the base station in order to reduce work load in the video mobile part.

Regarding claim 8, Okuaki discloses the camera including image recording sensor for an infrared range (abstract).

Response to Arguments

4. Applicant's arguments filed 1/29/2004(paper no. 8) have been fully considered but they are not persuasive.

In response to applicant's argument that Neither Spalthoff nor Okuaki discloses checking a currently recorded image for changes and along with the triggering of an alarm and transmitting immediately an alarm triggering image from the mobile part to the base station, Spalthoff clearly teaches to compare (i.e., check) the camera's picture (i.e., currently recorded image) with the picture stored and taken a short while and to generate or trigger an alarm when the camera's picture differs from the stored picture by more than a given amount (abstract), and Okuaki teaches to transmit an image photographed by a supervisory camera by a radio terminal to a base station (7, figure 1) immediately after a sensing signal from an intruder sensor is triggered and to store the image photographed by a supervisory cameras in the base station (7, figure 1) until being output to a communication network (5, figure 1). Thus, the combination of Spalthoff and Okuaki is enough to reject the claimed limications

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Spalthoff and Okuaki are combinable because they are in the same field of endeavor, i.e., surveillance system. Note Okuaki teaches to use wireless communication system to communicate image photographed by supervisory camera from a radio terminal to a base station (7, figure 1) when a sensing signal form an intruder sensor is triggered (abstract) in order to reduce the communicaton cost. Thus, one skill in the art would combine Spalthoff and Okuaki and the motivation is to apply an alternative communication system, i.e., a wireless communication system, as taught by Okuaki to Spalthoff in order to reduce communication cost.

In response to applicant's argument that Okuaki is completely inapplicable to the teaching in Spalthoff, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

George Eng

Examiner

Art Unit 2643